

EXECUTIVE SUMMARY

Disability Employment Policies and Practices in U.S. Federal Government Agencies



Sponsored by

The Presidential Task Force on
Employment of Adults with Disabilities
Washington, D.C.



Research conducted by

Cornell University

Program on Employment and Disability
School of Industrial and Labor Relations
Extension Division
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BACKGROUND

The Presidential Task Force on Employment of Adults with Disabilities was created by Executive Order 13078 on March 13, 1998 to create a coordinated and aggressive national policy to increase the employment rate of persons with disabilities.

This research is a part of the efforts of the Presidential Task Force to meet the Section 2(g) mandate of the Executive Order. This mandate states that “[a]ll executive agencies that are not members of the Task Force shall: (a) coordinate and cooperate with the Task Force; and (b) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities.” One step in this endeavor is an analysis of the efforts of Federal agencies in recruiting and retaining persons with disabilities in Federal employment. A survey of U.S. Federal agencies, titled *Survey of the Federal Government on Human Resources/EEO Policies and Practices in Employment of People with Disabilities* was initiated by the Presidential Task Force in June, 1999. This research identifies how Federal agencies are responding to the employment disability nondiscrimination requirements of the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973, as amended.

This report identifies areas in which progress has been made. It also identifies areas which warrant further investigation and follow-up in order to increase opportunities and eliminate barriers to the employment, retention, and career advancement of people with disabilities in the Federal workforce. The information contained in this report will be broadly disseminated to Task Force members and Committees, as well as Federal departments and agencies for further action.

*A COPY OF THE FULL SURVEY REPORT
is available from the Task Force
and from Cornell University. Contact
information is provided on the back cover.*

Of particular importance, this report will be used by the Task Force's Committee on the Federal Government as a Model Employer in its ongoing work. In addition, the U.S. Office of Personnel Management will consider the implications of this report in implementing its recently released *Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*¹. This plan serves as a framework for Federal departments and agencies to use as they create strategies and initiatives to recruit, hire, develop, and retain more people with disabilities.

This U.S. Federal agency survey research effort was under the direction of the Presidential Task Force, conducted by the Program on Employment and Disability with the assistance of the Computer Assisted Survey Team (CAST), both located in the School of Industrial and Labor Relations at Cornell University.

Methodology

A ten page survey was designed to capture information on the human resources and equal employment opportunity policies and practices of U.S. Federal agencies in response to the employment nondiscrimination requirements of Federal civil rights laws. The survey items draw extensively from a similar survey used by Cornell University to conduct comparable research on private sector employers in 1998². The ten-page survey covers issues dealing with: the reasonable accommodation process; recruitment, pre-employment screening, testing, and new employee orientation; health and other benefits of employment; opportunities for promotion and training; disciplinary process/grievance, dismissal or termination; interaction with labor/industrial/collective bargaining issues and other

¹Office of Personnel Management (October, 1999). *Accessing opportunity: The plan for employment of people with disabilities in the Federal government*. Washington, DC: Author. [Available on from OPM's website, www.opm.gov, and in alternative formats through OPM by calling (202) 606-1059 or (202) 606-0023 (TTY).]

²Further information about the non-Federal study can be obtained from Cornell University by contacting Susanne M. Bruyère, Principal Investigator, 607-255-7727, e-mail smb23@cornell.edu, or Cornell University web site http://www.ilr.cornell.edu/ped/projects/ADA_Projects/IEP/

employment legislation/considerations; Federal agency employee training on the employment disability nondiscrimination and the accommodation process; resources used and found most helpful in handling disability nondiscrimination and accommodation disputes; and the role of disability management (return to work) programs in contributing to the accommodation process and the acceptance of employees with disabilities.

A list was obtained from the U.S. Office of Personnel Management's Interagency Advisory Group across 96 Federal agencies. A preliminary letter was sent out to all agency heads prior to the survey's initiation from the Executive Director of the Presidential Task Force, Rebecca Ogle, alerting them about the survey and clarifying its purpose. A letter was sent to each potential interviewee approximately two weeks prior to the initiation of the survey. The survey was conducted by telephone from Cornell University by the Computer Assisted Survey Team (CAST), using a Computer Assisted Telephone Interview (CATI) system.

Survey Respondents

A total of 403 surveys were completed, out of 415 agency representatives who were contacted (a 97 percent response rate). The majority of the respondents had job titles of directors/chiefs of human resources and EEO (41 percent) or personnel managers (18 percent), whose positions were in the functional areas of human resources (41 percent) or equal opportunity (35 percent). They responded primarily for the entire agency (49 percent) or a regional office (40 percent), of agencies that employ more than 500 employees (71 percent). All information is provided in aggregate to protect the confidentiality of individual respondents and their agencies.

FINDINGS AT A GLANCE

■ Most agencies report having made accommodations for their employees with disabilities. At least nine out of ten respondents reported their agency has made existing facilities accessible to employees with disabilities, been flexible in the application of HR policies, or modified the work environment (93 percent for each).

Agencies were less likely to acquire or modify training materials (49 percent), or provide a job coach (41 percent).

■ Seventy-one percent reported that their agency has a formal process for handling accommodation requests. Twenty-seven percent report that the immediate supervisor of the employee making the request is responsible for making the final decision regarding the provision of an accommodation.

■ Fifty-six percent reported that they had received ten or fewer accommodation requests in fiscal year 1999 to date, with 20 percent reporting that they had received no such requests.

■ Twenty-six percent of respondents frequently use Schedule A or B provisions for hiring persons with disabilities; 49 percent of respondents reported occasionally using these provisions. Twenty-eight percent reported frequently using the special hiring program for disabled veterans; 52 percent reported occasionally using this program.

■ The majority of agencies have made changes in their existing recruitment, pre-employment screening, testing, and orientation procedures in order to comply with civil rights laws.

■ The pre-employment area where change was reported as difficult was making information accessible for a person who is deaf or hard of hearing, or a person with a visual or learning disability.

■ Respondents indicated that their interview staff are least familiar with interview considerations relating to people with visual disabilities, or people who are deaf or hard of hearing. Such consideration includes using a text telephone (TTY) or relay service to set up interviews with deaf or hard of hearing applicants; using a reader to assist a person with a visual impairment or learning disability; or adapting print materials used in interviews to large print, diskette, or Braille.

■ More than three-quarters of respondents indicated that staff who perform interviews at their agency are familiar or very familiar with restrictions on eliciting information about medical issues affecting applicant's health and safety on the job, framing questions about

the ability to perform job tasks, knowing when to ask an applicant about how specific job tasks would be performed, and accessing sign language interpreters.

■ The remaining barriers to employment for persons with disabilities identified were attitudes and stereotypes about people with disabilities (43 percent), supervisors' lack of knowledge about accommodations (33 percent), lack of related experience (53 percent) and lack of requisite skills and training (45 percent) in the person with a disability.

■ Ninety percent of respondents thought that the most effective means of barrier reduction is visible top management commitment.

■ Sixteen percent of respondents indicated that their agency had experienced filed disability claims in five or more of 11 specified categories of discrimination claims; 50 percent said they had not had a claim filed in any of the listed areas.

■ The disability discrimination claims most commonly reported by agencies were 1) failure to provide a reasonable accommodation; and 2) failure to promote.

■ Seventy-three percent are covered by a collective bargaining agreement, and of those, 66 percent reported that unions are involved in the accommodation process.

■ Sixty-nine percent indicated that they would like more information on accommodation for mental health disabilities and 66 percent wanted more information on Rehabilitation Act requirements.

■ Two-thirds of respondents reported that their agency has a formal or informal disability management program; respondents who have such a program indicated that it contributes to implementation of civil rights laws.

SURVEY RESULTS

Accommodations and the Accommodation Process

Most agencies report having made accommodations for their employees with disabilities (see Table 1). At least nine in ten respondents reported that their agency has made existing facilities accessible to employees with disabilities, been flexible in the application of HR policies, or modified the work environment (93

percent for each). Agencies were less likely to acquire or modify training materials (49 percent), or provide a job coach (41 percent).

Seventy-one percent reported that their agency has a formal process for handling accommodation requests. Twenty-seven percent report that the immediate supervisor of the employee making the accommodation request is responsible for the final decision regarding its provision.

Fifty-six percent reported that they had received ten or fewer accommodation requests to date in the fiscal year (FY 1999), with 20 percent reporting that they had received no such requests.

Accommodations in Recruitment, Interviewing, and Pre-Employment Screening

Twenty-six percent of respondents reported frequent use of Schedule A or B provisions for hiring persons with disabilities; 49 percent of respondents reported occasionally using these provisions. Twenty-eight percent of respondents reported frequently using the special hiring program for disabled veterans; 52 percent reported occasionally using this program.

The majority of agencies represented by the respondents report that they have made changes in their existing recruitment, pre-employment screening, testing, and orientation procedures in order to comply with Federal civil rights laws.

The pre-employment area where change was reported as difficult to make was making information accessible for a person who is deaf or hard of hearing, or with a visual or learning impairment.

Respondents indicated that their interview staff are least familiar with interview considerations relating to people with visual disabilities, or people who are deaf or hard of hearing. Such consideration includes using a text telephone (TTY) or relay service to set up interviews with deaf or hard of hearing applicants; using a reader to assist a person with a visual impairment or learning disability; or adapting print materials used in interviews to large print, diskette, or Braille.

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Table 1

Accommodations Made for Employees With Disabilities

	Yes	No, not able to	Never needed to make this accommodation	Don't know & refused
Made existing facilities accessible to employees with disabilities (restrooms, door entrances, hallways, etc)	93%	**	5%	1%
Been flexible in the application of HR policies	93	**	3	4
Modified work environment (orthopedic chair, lower desk, etc.)	93	**	7	**
Acquired or modified equipment or devices	90	**	7	2
Restructured jobs or modified work hours	87	**	11	1
Made parking or transportation accommodations	86	1	11	1
Provided qualified readers or interpreters (including personal assistants)	79	0	20	1
Provided written job instructions	69	0	22	8
Made reassignment to vacant positions	58	2	33	7
Changed supervisory methods	55	**	31	13
Acquired or modified training materials	49	1	42	9
Provided a job coach	41	1	44	13

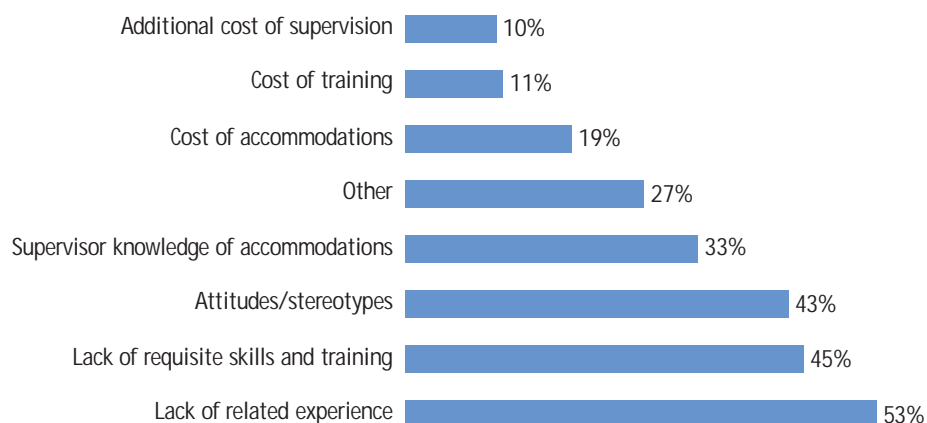
Note: Percent of all respondents; n=403.
Percentages may not total 100% due to rounding.

** Less than 1 percent

Source: Disability Employment Policies and Practices in U.S. Federal Government Agencies. Presidential Task Force on Employment of Adults with Disabilities/Cornell University, 1999.

Chart 1

Barriers to Employment or Advancement of People with Disabilities



Source: Disability Employment Policies and Practices in U.S. Federal Government Agencies. Presidential Task Force on Employment of Adults with Disabilities/Cornell University, 1999.

More than three-quarters of respondents indicated that staff who perform interviews at their agency are familiar or very familiar with restrictions on eliciting information about medical issues affecting applicant's health and safety on the job, framing questions about the ability to perform job tasks, knowing when to ask an applicant about how specific job tasks would be performed, and accessing sign language interpreters.

Barriers to Promotion and Training for People with Disabilities

The remaining barriers to employment for persons with disabilities identified were attitudes and stereotypes about people with disabilities (43 percent), supervisors' lack of knowledge about accommodations (33 percent), lack of related experience (53 percent) and lack of requisite skills and training (45 percent) in the person with a disability (see *Chart 1*).

Ninety percent of respondents thought that the most effective means of barrier reduction is visible top management commitment.

To help overcome barriers to the employment and advancement of people with disabilities, the majority of agencies made changes to organizational policies and practices (see *Table 2*). Agencies reported changing co-worker or supervisor attitudes towards employees with disabilities (91 percent), creating flexibility within the performance management system (83 percent), and ensuring equal pay and benefits for employees with disabilities (81 percent). Changing attitudes, the change most often attempted, was also seen as the most difficult change to make.

Dispute Resolution Process and Claims Experience

Sixteen percent of respondents indicated that their agency had disability claims filed in five or more of 11 specified categories of discrimination claims; 50 percent said they had not had a claim filed in any of the listed areas (see *Table 3*).

The disability discrimination claims most commonly reported by agencies were 1) failure to provide a reasonable accommodation; and 2) failure to promote.

Table 2

Changes Made to Reduce Employment and Advancement Barriers

	Didn't need to make this change	Did not make this change	Don't know & refused	Have needed to make this change	Of those employers who have made the change...		
					Easy or very easy	Neither easy nor difficult	Difficult or very difficult
Changing co-worker or supervisor attitudes towards employees with disabilities	6%	**	3%	91%	29%	38%	33%
Creating flexibility within the performance management system	12	1	4	83	65	20	15
Ensuring equal pay and benefits for employees with disabilities	16	**	2	81	86	10	4
Change in leave policy	18	**	3	78	72	20	8
Modifying the return to work or transitional employment policy	14	1	8	77	64	25	11
Adjusting policies regarding medical questions and medical examinations of employees	24	2	6	68	68	23	9

Note: Percent of all respondents; n=403. Percentages may not total 100% due to rounding.

** Less than 1 percent

Source: *Disability Employment Policies and Practices in U.S. Federal Government Agencies*. Presidential Task Force on Employment of Adults with Disabilities/Cornell University, 1999.

Table 3 Disability Discrimination Claims Filed Against Agency

	No	Yes	Don't know or refused		No	Yes	Don't know or refused
Wage dispute	84%	4%	12%	Harassment	68	19	13
Denied or reduced benefits	83	5	12	Unfair discipline	66	20	14
Layoff	80	8	12	Wrongful discharge	61	22	17
Failure to rehire	78	8	14	Failure to promote	60	26	14
Failure to hire	70	17	12	Failure to provide reasonable accommodation	51	36	13
Suspension	69	16	14				

Note: Percent of all respondents; n=403. Percentages may not total 100% due to rounding.

Source: *Disability Employment Policies and Practices in U.S. Federal Government Agencies*. Presidential Task Force on Employment of Adults with Disabilities/ Cornell University, 1999.

A high percentage of respondents reported having a grievance or dispute resolution process in place to deal with disability and accommodation issues (93 percent).

Labor Relations/Collective Bargaining Issues

Seventy-three percent of these agencies are covered by a collective bargaining agreement, and of those, 66 percent reported that unions are involved in the accommodation process.

Unions are most often involved by providing representation in reasonable accommodation discussions (75 percent).

Interaction with Other Employment Laws

Forty-one percent of respondents reported being uncertain about coordination of leave under the ADA and/ or the Rehabilitation Act and other Federal laws, such as the Family and Medical Leave Act (FMLA), Worker's Compensation, short term and long term disability, and sick leave/salary continuation.

Thirty percent of respondents were uncertain about Section 501 of the Rehabilitation Act's requirements for designing and implementing affirmative action requirements. A similar percentage was unsure about the new requirements of Section 508 of the Rehabilitation Act, which mandates the purchase of accessible technology and equipment by Federal agencies.

Personnel Training

Fifty percent of respondents indicated that their employees had been trained in at least 10 of 14 listed areas for training (see Table 4).

Ninety-one percent of respondents reported that agency employees had been trained in non-discriminatory recruitment and hiring practices.

In all fourteen areas, more than eight of ten agencies which had trained any staff had trained their human resources (HR) staff.

Sixty-nine percent indicated that they would like more information on accommodation for psychiatric disabilities and 66 percent wanted more information on Rehabilitation Act requirements.

Resources Used to Resolve Civil Rights-Related Issues

Ninety percent of respondents reported that they use their agency's EEO office as a resource to resolve disability discrimination or accommodation issues at their agency.

Eighty-five percent consult an internal legal counsel.

Internal legal counsel and disability management/ benefits staff were considered the most helpful resources (84 percent found each "helpful" or "very helpful"). The agency's EEO office received a similar rating (83 percent).

Table 4

Training on ADA and Rehabilitation Act-Related Topics

	Have any of your employees been trained in this area?			If yes, which employees have received this training?				More Info?
	Yes	No	Don't know	HR staff	Managerial staff	EEO staff	Other staff	Yes
Non-discriminatory recruitment and hiring practices	91%	7%	2%	91%	77%	85%	39%	55%
The accommodation process	87	9	3	88	75	83	37	60
Non-discrimination in the disciplinary process or termination	87	8	4	93	78	78	38	55
Confidentiality requirements of medical information	85	10	5	96	70	76	40	55
Disability awareness and/or sensitivity training	84	12	4	93	88	91	59	56
Federal Hiring Schedules	82	10	7	95	64	70	27	54
Equal access in promotional opportunities and training	79	16	5	91	75	83	37	60
Defining essential job functions	78	16	6	94	61	65	26	58
Conflict resolution in the accommodation process	77	19	4	85	62	87	42	58
Rehabilitation Act requirements	74	18	7	87	75	89	53	66
Accommodation for mental disabilities	61	32	7	81	56	85	30	69
Available print or organizational resources to assist in the accommodation process	58	32	11	84	52	81	34	64
Interaction with other employment legislation	50	33	16	87	43	72	27	64
Limitations and exclusions the ADA and other Federal laws allow health plans to impose	38	45	16	84	34	60	24	64

Note: Percent of all respondents; n=403. Percentages may not total 100% due to rounding.

Source: *Disability Employment Policies and Practices in U.S. Federal Government Agencies*. Presidential Task Force on Employment of Adults with Disabilities/Cornell University, 1999.

Forty-three percent of respondents report using the President's Committee on Employment of People with Disabilities Job Accommodation Network (JAN) to resolve ADA issues; 73 percent found JAN "helpful" or "very helpful."

Disability Management Programs

Two-thirds of respondents reported that their agency has a formal or informal disability management program; respondents who have such a program indicated that these programs contribute to implementation of civil rights laws.

COMPARISON WITH THE NON-FEDERAL SECTOR

A similar survey was conducted on a random sample of the membership of the Society for Human Resource Management (SHRM) and the entire membership of the Washington Business Group on Health (WBGH). The comparative results presented here are based on the feedback of over 800 private sector and over 400 Federal sector employer representatives, mostly HR representatives, since an HR membership organization (SHRM) was surveyed and HR and EEO representatives were the informants selected for the Federal sector research.

Employers in both groups are responding to the ADA by making accommodations, most often by making existing facilities accessible, being flexible in the application of HR policies, and restructuring jobs and work hours. Other often-made changes by both groups were modifying the work environment and making transportation accommodations. Least often made accommodations were in the areas of modifying training materials and making changes in supervisory methods. There was a difference in the groups' responses to making these changes in all of the 11 categories, with Federal agencies more likely to have made each change. Non-Federal sector organizations were also more likely to indicate that they had never been asked to make the changes.

More Federal agencies than non-Federal employers keep data to fulfill reporting requirements (48 percent for non-Federal, 62 percent for Federal), but the numbers in each group keeping data for future accommodations was quite similar (52 percent and 49 percent respectively).

Across both groups, respondents were much less familiar with considerations in the applicant interview process for accommodations for people with visual disabilities or who are deaf or hard of hearing: adapting print materials for people with visual disabilities, use of a reader for a person with visual disabilities, and the use of TTY/text telephones to set up interviews. However, Federal sector respondents indicated a much greater familiarity with accessing sign language interpreters (33 percent of non-Federal vs. 76 percent of Federal respondents reported their staff was "familiar" or "very familiar" with this accommodation). Federal respondents, while least familiar with accommodations for people who are deaf or hard of hearing or who have visual disabilities, were far more familiar with them than their non-Federal sector counterparts.

Continuing barriers to employment and advancement for persons with disabilities reported by employers were identified as being both within the workplace itself and within the individual with a disability. In terms of workplace barriers, attitudes or stereotypes among co-workers and supervisors towards persons with disabilities were seen as a significant barrier (43 percent of Federal respondents, 22 percent of non-Federal respondents).

Approximately one-third in each group see supervisor lack of knowledge of how to make accommodations as a continuing barrier (31 percent of the non-Federal employers and 34 percent in Federal agencies). In terms of barriers in the individual with a disability, lack of requisite skills and training were cited as a continuing barrier by 39 percent of non-Federal employers and 45 percent of Federal, as was lack of related experience (49 percent of non-Federal and 53 percent of Federal employers).

There was little difference in the top choice of method of reducing employment barriers identified by both groups, which was visible top management commitment (81 percent for the non-Federal, 90 percent for Federal respondents).

When asked about the types of access provided to enhance opportunities for promotion and training, Federal agencies reported significantly more provision of communication access for persons who are hearing impaired (91 percent in the Federal sector compared to 43 percent in the non-Federal), and persons who are visually impaired (77 percent in the Federal sector compared to 37 percent in the non-Federal sector).

Non-Federal employers reported significantly fewer claims filed against them than did Federal respondents. Failure to provide reasonable accommodation was reported by Federal agencies as the most often experienced claim, at 36 percent. The most commonly filed claim for non-Federal employers was wrongful discharge (19 percent).

Federal workplaces were more significantly unionized (73 percent) compared to the non-Federal sector (23 percent). In both groups, among those who have collective bargaining agreements and have union involvement in the accommodation process, unions were most often used to provide representation in discussions about the accommodation process (69 percent non-Federal, 75 percent Federal).

The staff training profiles for both groups were, on the whole, very similar. The areas in which training was most often conducted were the accommodation process and non-discriminatory recruiting and hiring. Areas where the least training was conducted were

allowable limitations on health plans, interaction with other legislation, and accommodations for people with psychiatric disabilities. Both sector respondents identified further information on accommodations for persons with psychiatric disabilities as a significant ongoing need (69 percent of Federal respondents and 65 percent of non-Federal respondents).

Across both groups, legal counsel ranked highly as a resource often used to resolve disputes (82 and 88 percent for the non-Federal and Federal respectively). This was the most-often used resource for the non-Federal group, and a close second in the Federal group, topped only by the agency EEO office (90 percent). Next most often used in the non-Federal sector were professional societies such as the Society for Human Resource Management (SHRM), and safety and disability staff within the organization. For Federal agencies, after EEO and legal advisors the next most often used resources to resolve disputes were safety staff and state rehabilitation agencies.

The majority of people in both groups reported having formal or informal disability management or return-to-work programs, although non-Federal employers had a significantly higher number. In both groups, of those who have disability management or return to work programs, they report that these programs contributed to implementation of civil right laws.

IMPLICATIONS

This report identifies how Federal departments and agencies are responding to the employment disability nondiscrimination requirements of the ADA and the Rehabilitation Act. The results from this research indicate that while much progress has been made, there remain many barriers to the recruitment, hiring, retention, and career advancement of adults with disabilities in the Federal workforce that warrant consideration.

Agency Accommodation Structure

Most agencies report having made accommodations for their employees with disabilities. However, one in five agencies reported having received no accommodation

requests in the prior fiscal year. There would seem to be a ready mechanism for getting further information on this from most agencies, as most reported having a formal process in place for handling accommodation requests. Since the immediate supervisor is most often cited as the final decision-maker in accommodation decisions, however, there may not be a ready reporting mechanism at the central level, and further information gathering may need to occur deeper within the agency structure.

Increase Use of Hiring Authorities

Another area for concern is the extent to which Federal agencies use special hiring authorities. Only one in four agencies reported frequently using the Schedule A or B provisions for hiring persons with disabilities or using the special hiring program for veterans with disabilities. These provisions appear to be an under-utilized tool by Federal agencies, lessening the effectiveness of efforts by Federal agencies to increase the employment of people with disabilities. These are areas for further exploration where changes might be indicated.

Supports Needed for Specific Populations

The majority of agencies report having made changes in their existing recruitment, pre-employment screening, testing, and orientation procedures in order to comply with civil rights laws. However, making information accessible for a person with a visual or learning disability, or a person who is deaf or hard of hearing, was an area reported more difficult than others, in terms of accommodations in the pre-employment area. Respondents indicated that their interview staff are least familiar with interview considerations relating to people with visual or auditory impairments, such as using a text telephone or relay service to set up interviews with deaf or hard of hearing applicants, using a reader to assist a person with a visual impairment or learning disability, or with adapting print materials used in interviews to large print, diskette, or Braille. This finding is significant in light of the recent addition of Section 508 to the Rehabilitation Act. Section 508 mandates that all Federal technology purchases be fully accessible to employees with disabilities. Significant technical assistance and training at

the agency level will be required if Section 508 is to be successfully implemented.

Another area for further exploration is the workplace supports needed for persons with psychiatric disabilities. Respondents in both the Federal and non-Federal sectors indicated a need for further information on accommodations for persons with psychiatric disabilities. Exploration of how to use the proposed new hiring authorities for this group, as well as how to provide supports, once individuals have been employed, need to be examined. This, again, may be a place where Federal and private sector employers can join to find effective solutions to enhance the hiring and retention of this group.

Employ Diversity Strategies

Some of the remaining barriers to employment for persons with disabilities identified by Federal agencies were both in the workplace and within the individual. Attitudes toward people with disabilities continues as a workplace integration issue, even though this was an area where most agencies reported having made changes. Perhaps this is an area that can be merged with diversity programming or addressed independently with continued training across all agencies. It would be a valuable discussion with Federal agencies as to whether the presence of diversity programs has been of any assistance in addressing issues of disability discrimination and negative attitudes or stereotypes toward persons with disabilities. Since diversity programs are increasing in popularity in the private sector, joint exploration with non-Federal employers of application of this use might be most beneficial. The Task Force should closely examine Federal agency training programs and curriculums to determine the extent to which disability issues are included.

Engage Unions and Advisory Councils

Since the Federal workplace is heavily unionized and unions are often involved in the accommodation process, focus groups with unions might be a good place to continue information gathering in this process to learn more about barriers to employment for people with disabilities. Another possible source of information close to the workplace about employment and disability

issues are the disability advisory councils. Both might be groups for further follow up with focus groups in the future for continued research.

Increase Supervisors' Knowledge of Accommodations

Supervisors' lack of knowledge about accommodations was also reported as an ongoing barrier in the work environment for persons with disabilities. Since the majority of training in the Federal agencies has been focused on human resource personnel in the past, this is not surprising, and a place where training and technical assistance should be focused in the future. Since supervisors reportedly make the final decision on accommodations in most Federal workplaces, it is imperative that they have the training needed to be able to make appropriate decisions and access needed resources for particular accommodation requests.

Areas for Further Training and Technical Assistance

When asked about areas for further information and technical assistance, respondents indicated needing assistance and further resources in the area of accommodations for people with psychiatric disabilities. This is also an area of great concern for non-Federal employers, and also perhaps an area where jointly developed products around best practices and available resources might be helpful in both sectors. Another area where the need for further training was identified by the Federal sector respondents in this study was for more information and training on the Rehabilitation Act requirements.

Alternative Dispute Resolution

Almost all of the agencies reported having a grievance or dispute resolution process in place for accommodations, yet a U.S. General Accounting Office (GAO) report indicates that many employment discrimination disputes, including those relating to disability dis-

³U.S. General Accounting Office (1999). *Equal employment opportunity: Complaint caseloads rising, with effects of new regulations on future trends unclear*. (GAO/GGD-99-128) Report to Congressional Requestors. Washington, DC: Author.

crimination, are making their way to the EEOC³. The length of time for processing these disputes continues to increase. It would appear that significant further work must be done to encourage and inform dispute resolution particularly on accommodation issues, earlier on and closer to the workplace. Alternative dispute resolution is an area that is gaining in popularity in the private sector, and again may be an area that the Federal sector might want to further explore. An example might be setting up model teams within agencies that represent the various interested parties in the accommodation process such as the person with a disability, HR representative, supervisor, health and safety representative, union, and EEO representative.

Use of Disability Management Programs

Two-thirds of respondents reported that their agency has a formal or informal disability management program; respondents who have such a program indicated that these programs contribute to implementation of civil rights laws. This is an area that perhaps could be further explored as a programmatic structure for support for workplace disability nondiscrimination policies and practices.

Disability Employment and Training Policy

One of the areas across both Federal and non-Federal organizations seen as a remaining barrier to the employment of people with disabilities is the lack of requisite training, skills, and related work experience in persons with disabilities. These identified barriers have implications for employment and disability social policy changes that advance the interests of people with disabilities in the employment and training arena. It is imperative that initiatives such as those in existence under the Workforce Investment Act include people with disabilities in their mandate and implementation. This means not only having the direction for such inclusion written into the legislation and resulting regulations, but also making certain that implementation at the local level takes into account the unique service delivery needs of such system users. Success at this level calls for skilled professionals who will understand and be able to identify the

service needs of persons with disabilities to assist them in making meaningful choices for training and subsequent employment. This also necessitates physical and communication accessibility of such service systems.

Also of interest for further study is the perspective of nonfederal employers about the effectiveness of tax incentives as a means to remove barriers for persons with disabilities in the hiring and retention employment processes. Tax incentives was seen as the least effective means to reduce such barriers, by non-Federal sector employers; indeed only 26 percent reported these as effective or very effective in reducing barriers. A parallel item on special budget allocation as a way to reduce accommodation costs to employers was asked in the Federal survey. Sixty-nine percent of those interviewed saw this as effective or very effective in reducing barriers.

As evidenced by this research, Federal and non-Federal organizations are making significant strides in responding to employment disability nondiscrimination legislation such as the ADA and the Rehabilitation Act to change internal business organization environments and policies to respond to the law. Such efforts must be complemented by supporting national employment and training policies that provide persons with disabilities with training and experience resulting in skills that are marketable in a labor market that needs skilled workers.

Further Research Needed

The results discussed in this report indicate a need for further research. One direction for further research is to gain the perspective of nondiscriminatory practices from Federal employees with disabilities, supervisors, and co-workers. Additional areas for future research include Federal training programs and technology applications. Finally, this report highlights many areas where the Federal government can and should provide additional promotion, outreach, and technical assistance to Federal agencies. This includes use of special hiring authorities; accommodations for people with visual, learning, and hearing impairments and people with psychiatric disabilities; alternative dispute resolution; and laws governing employment of people with disabilities.

NEXT STEPS FOR THE PRESIDENTIAL TASK FORCE

This report to the Presidential Task Force identifies significant areas which warrant further investigation and follow-up in order to increase opportunities and eliminate barriers to the employment, retention, and career advancement of people with disabilities in the Federal workforce. The information contained in this report will be broadly disseminated to Task Force members and Committees, as well as Federal departments and agencies for further action, including the following:

- The Committee on the Federal Government as a Model Employer will examine the results from this survey. The Committee's three Subcommittees on Federal Policy Development, Recruitment, Retention, and Career Advancement, and Reasonable Accommodations will use the results in their ongoing work.
- The Office of Personnel Management will use the information to implement *Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*. The Plan, released in October, 1999, serves as a framework for Federal departments and agencies to use as they create strategies and initiatives to recruit, hire, develop, and retain more people with disabilities.

- The Committee on Civil Rights will use the report to continue its examination of coordinated enforcement of various Federal nondiscrimination employment policies.
- Federal departments and agencies will be sent copies of the report for consideration in their efforts to increase opportunities and remove barriers for adults with disabilities.
- The report will be used by the Task Force to continue its examination of Federal employment practices and to consider actions on the additional data collection efforts recommended.

ADDITIONAL RESOURCES

1) President's Committee on Employment of People with Disabilities (PCEPD)

1331 F Street, NW
Washington, DC 20004-1107

Phone: (V) 202-376-6200
(TDD) 202-376-6205

Website: <http://www.pcpd.gov>

Email: info@pcpd.gov

2) President's Committee Job Accommodation Network (JAN)

918 Chestnut Ridge Road, Suite 1
West Virginia University-PO Box 6080
Morgantown, WV 26506-6080

Phone: (V) 800-526-7234
(TDD) 800-232-9675

Website: <http://www.pcpd.gov> and click on JAN or go directly to JAN at <http://janweb.icdi.wvu.edu/english/homeus.htm>

3) Equal Employment Opportunity Commission

1801 L Street NW (Federal Sector Programs)
Washington, DC 20507

Phone: (V) 800-669-3362
(TDD) 800-800-3302

Website: <http://www.eeoc.gov>

For specific Federal employment questions, call the "ATTORNEY OF THE DAY" at 202-663-4599.

4) Department of Labor: Office of Federal Contractor Compliance Programs (OFCCP)

Department of Labor
Frances Perkins Building
200 Constitution Avenue NW
Washington, DC 20210

Phone: (V) 888-376-3227
(V) 202-219-9475
(TDD) 202-208-0452

Website: <http://www.dol.gov/dol/esa>

5) U.S. Office of Personnel Management (for Federal employment information)

1900 E Street, NW
Washington, DC 20415

Phone: (V) 202-606-2700
(TDD) 912-744-2299

Website: www.opm.gov

CONTACTS FOR MORE INFORMATION

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e-mail: horne-richard@dol.gov
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607-255-7727 (Voice)
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web: <http://www.ilr.cornell.edu/ped>